

Date

Christopher Stuart
43620 S. Jeffery Drive
Baton Rouge, Louisiana 70816

Re: Ethics Board Docket No. 2016-672

Dear Mr. Stuart:

The Louisiana Board of Ethics, at its August 19, 2016 Board meeting, considered your request for an advisory opinion regarding whether board members of the Louisiana State Licensing Board for Contractors (LSLBC), personally or through companies they own, may be permitted to bid on a project to build a new "Construction Industry Building" in downtown Baton Rouge. You were re-appointed to the LSLBC in 2013. The LSLBC consists of contractors from all parts of the state representing industrial, commercial, residential, highway, oil and gas, electrical, and mechanical contractors and subcontractors. It is self-funded and self-regulates its own industry to protect the health and welfare of Louisiana citizens.

The LSLBC is undertaking, along with the Louisiana Associated General Contractors (LAGC) and Associated Builders and Contractors Inc. (ABC), the construction of a new "Construction Industry Building" in downtown Baton Rouge. This project is being funded by the LSLBC. LAGC owns the property on which the building will be constructed. After completion, the building will bring together public and private organizations under one roof.

You stated that the bidding process will adhere to the current public bid law. The bids will be opened in public by the Architect of Record and awarded to the low bidder, as long as that company has followed public bid laws and specifications. You stated that after awarding the project to the lowest qualified bidder, an AIA Contract will be signed between LSLBC and the general contractor. All monthly payments will be made by the LSLBC to the general contractor. The architect has the sole responsibility to supervise and manage the construction of the building, not the licensing board. You stated that neither you, nor any other bidding contractor has had influence in the selection of the architect nor will anyone steer the design of the building, including the general and technical specifications.

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics would prohibit you or any other member of the Louisiana State Licensing Board for Contractors from, personally or through a company they own from bidding on or entering into any contract, subcontract, or other transaction involving the "Construction Industry Building." La. R.S. 42:1113B of the Code prohibits an appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member. You and the other board members' agency is the LSLBC. This project is under the supervision or jurisdiction of your

agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Brett Robinson
For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS